App. F. IX-4

Previous References.

Pris 1-42 (9).
" 3-43 (3-4).
" 2-46 (183).

Later References.

" 32-46 (182).
Pris 41-52-2

1943. 44
(~~Police~~ Prisons)

File No. 54-43
Serial Nos. 1-4

Preserve

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 7on

Part B for July 1944

SUBJECT

Re-arrest of the Conditionally released prisoners Dyave Gowda & Devaiah of Doddachalli village Kankanalli Tk.

No. NOP. 7982-86/Pris 54-43-40726-6'44
To The D.M. Bangalore Dist
" I.G. of Police in Mysore
" I.G. of Prisons - " -
" Registrar High Court
" Secy. Standing Advisory Board
" Supdt., Central Jail Bangalore

H.C. Srinivasa
21/12/44

From,

The District Magistrate, Bangalore Dt.

Letter No. Jl C 834/43-44 Dated 18th April 1944 reporting that the Conditionally released 2 Convicts, Dyave Gowda & Devaiah have become landless & menace to the public Safety and that they have been charged with 2 cases of theft and recommending that their Conditional release may be cancelled Submitted The release of the two Convicts in question was ordered on probation in Sept 1940 on the recommendation of the Standing Advisory Board. When the unexpired portion of their sentence was about 6 years & 6 months for which period they should execute bonds probation under a probation officer. The Conditions passed upon them at the time of their release was that they should not Commit any offences falling within any law in force in the State.

The report of the Dist Magte shows that their conduct is utterly unsatisfactory and that they have in addition Committed theft.

Under Section 401 (3) of the Criminal procedure Code the order of their Conditional release can be cancelled & they can be re-arrested & put in the prison again for undergoing the remaining period of the unexpired portion, viz about

Pris Coll. 17-40 (1-2) file [illegible]

Re 107, form of the Jail manual, vol II

file 9

Pass 757

Continuation Sheet. File No. Cancelling an order of Conditional release of Convicts

Current No. of Page 2

8 years.

Submitted for orders.

6
24/6/44

2) These two Convicts who has been Convicted under 302 IPC were directed to be Conditionally released in 1940, the unexpired portion being about 6 years and odd.

A copy of the Jail Manual Part II is put up in the file.

6
24/6/44

The DC Bangalore now reports that they are Creating trouble. They are reported to have been involved in 2 Cases of theft also.

In View of these reports, the order of release may be Cancelled under 401(3) Cr P.C.

DSW
25.4.44

Law Secy)

GOVT. OF MYSORE 20511 26 APR 1944 GOVT.

3) Submitted these two persons were set free prematurely on Condition that they should pass a period of probation under the Dist Magte or such other officer appointed by him in that behalf, equal to the unexpired portion of their Sentences. The probation chiefly is Concerned with the peaceful Conduct of these persons but that does not in any way mean that they should be Troubled unnecessarily & unreasonably by those who take advantage of their weak position of their Conditional release. The report of the Dist. Magte is in general

Continuation Sheet. File No. Current No. of Page.

letters written specifying the details. Basis the result of the cases pending against them also to be known

If approved the Dist Magte will be asked to make a reference to Govt, if necessary, with details after the completion of the cases

Submitted for orders

12/5/44. 4) It is not clear from the Dist Magte's letter in what manner the activities of the two released convicts has become objectionable, what trouble they are creating, and how the cases of theft launched against them stand. The Dist Magte may be requested to send in a detailed report furnishing full particulars of their unlawful activities.

JWW 22/5/44

Law Secy 5) Such details may be called for

22/5/44

JWW 23/5/44

6) Draft letter to the Dist Magte, Bangalore Dist submitted for approval.

22/5/44. 7) Issued JWW 24/5/44

JWW 25/5.

Issued Letter No V 2160 dated 26-5-44 to the Dist Magte, Bangalore Dt

Sec A 26/5

Town, Dist Meath, Dangalma Ps
Letter No. J.1 C 8139/43-44 dated
12th June 1944 reporting that the Case
of theft launched against the two
persons are still pending in the Court
and that they are threatening the
witness for the prosecution and
recommending that they may therefore
be re arrested.

— 11 —

8) Submitted the mere involvement of the
two persons in theft cases and the
allegation that they threaten the witness
for prosecution, do not constitute lawlessness
and danger to the public safety. The
police, however, fear that them lump
at large now, might be prejudicial
to the theft cases which are pending
before the Court. But at the same time
it has to be pointed out that their re arrest
now would be prejudicial to their
defence against the charge against them
As such they cannot be re arrested
now. The cases should be decided
& a Conclusive evidence should be established
for their arrest the need for their re arrest
The Dist Magistrate has not described details
of their lawlessness & how they are
a danger to the public Safety.
If assumed the Dist Magistrate

will be told that it is too early for taking any action for their rearrest

Submitted for orders

6
13/6/44

9) The present communication of the Distt Magte also does not furnish full particulars and is not therefore very helpful. The results of the case filed against the convicts may be awaited

MRV 15/6/44

Law Secy

10) In view of the reports by the D.M. that the released persons are creating fear in the minds of the inhabitants & law abiding citizens & a source of danger to the public safety, action may be taken as recommended by the D.M.

Under Secy 11) 16/6

16 June 44

MRV 16/6/44

20/6

Law 22-6-44

MRV 22/6/44

12) Draft G.O is submitted for approval.

13) MRV 22/6/44

22/6/44

Law Secy 14) Reasons for passing the order. Review & further action

23 June

SECRETARIAT 15 JUNE 1944 GOVT. OF TAMIL NADU

OFFICE OF THE MINISTER 19 JUNE 1944 No. 8114

LAW DEPT 1283 22 JUNE 1944 GOVT. OF TAMIL NADU

Prisons 9056

Request of two prisms on probation

Continuation Sheet. File No. Current No. of Page.

15) Draft G.O as revised as undertd
6
23/6/44

16) MKV 23/6/44

Law Secy)

17) May be approved

Dewan

23/6/44

MKV 23/6/44

SECY. LAW DEPT. 23 JUNE 1944 GOVT OF MYSORE

MKV 23/6/44 N: 8218

MKV 24/6/44

26.6.44

Issued MKV 26/6/44

To

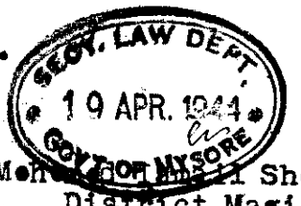
The D.M. Bangalore Dist.
The I.G. of Police in Mysore
The I.G. of Prisons — " —
The Registrar, High Court
The Secy. Standing Advisory Board
The Supdt. Central Jail Bangalore

Immed. No. P 7982-86/Pris. 54-43-4 dt. 26-6-44

Accepts the recommendation of the D.M. Bangalore Dist. and directs that the two Convicts may be arrested and remanded to the jail

B 12/7/44

Jl C 839/43-44.



Office of the District Magistrate,
Bangalore District,
Dated, Bangalore, 18th April 1944.

From

Mohammad Ismail Sheriff, Esq., B.A.,
District Magistrate,
Bangalore District,
B a n g a l o r e.

To

C. Narayanaswami Naidu, Esq., B.A., B.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Law Department, B a n g a l o r e.

S i r,

Subject:- Regarding the conditional release of two convicts namely Ticket No.216 Dyave Gowda and 217 Deviah of Doddalahalli Village - Kasaba Range-Kankanhalli Taluk.

In forwarding herewith the entire correspondence relating to the convicts referred to above, I have the honour to state that it is reported by the District Superintendent of Police, Bangalore, that the above mentioned two convicts, having returned to the village with their tickets have taken to unlawful activities and they are creating trouble and fear in the minds of the people. They are reported to have become lawless and a menace to the public safety. It is further said that they have been booked in two cases of theft already (Crime Nos. 80 and 81/43-44, Kankanhalli).

In view of the reported facts that they have become desparate and dangerous to the public, I recommend that the conditional release ordered in G.O. No.P 753-6/Mis.40-2 dated 1-8-40 may kindly be cancelled under Section 401, Clause (3) Cr. P.C, in respect of the above two convicts.

I have the honour to be,
Sir,
Your most obedient servant,

for Deputy Commissioner,
Bangalore District.

absent on Tour

GSS.2.

P. 7160 Pris 54-43-2

D 26-5-44

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form*).

To

The District Magistrate, Bangalore

Subject:- Confidentially relieved pioneers Dyave Gowda & Devaraj of Doddalahalli village - Kankanahalli Taluk.

Sir,

With reference to your Memo No. J. L. C. 839/43-44, dated 18th April 1944, on the above subject I am directed to request you to let us know as to whether all details alleged unlawful acquisition of theirs (which is the first said to be) How the cases pending against them have been disposed of may also be kindly intimated.

I have the

honour to be

Sir

Your most obedient servant

for Secretary to Govt.

Revenue Dept.

WD 03697—GPB—30,000—2-2-40

7056/43

J1.C.839/43-44.

Office of the District Magistrate,
Bangalore District,
Bangalore, dated 12th June 1944.

Pol 54-43-3

From

Mahomed Ismail Sheriff, Esq., B.A.,
District Magistrate,
Bangalore District, Bangalore.

To

C. Narayanaswamy Naidu, Esq., B.A., B.L.,
Legal remembrancer & Secretary to Government
of Mysore, Law Department, Bangalore.

Sir,

Re:- the conditional release of two convicts Ticket No.216, Byavagowda and 217-Deviah of Doddalahalli village, Kasaba Range Kankanhalli Taluk.

Please see

14/6. With reference to your letter No.P.7160 dated 26-5-1944 calling for a further report on the above subject, I have the honour to state that it is reported by the District Superintendent of Police, Bangalore in his report No.I.C.625/43-44 dated 7-6-1944, that the cases of theft in Kankanhalli Cr.Nos.80 and 81/43-44 are still pending before the Special First Class Magistrate, Closepet.

2. While the cases are going on in the Court, these released convicts are reported to be creating fear in the minds of the witnesses by threatening them with death if they depose against them.

3. As these conditionally released convicts have become lawless and a source of danger to the public safety, I recommend that they may be sent back to the prison as recommended by the District Superintendent of Police, Bangalore District.

I have the honour to be,
Sir,
Your most obedient servant,

District Magistrate,
Bangalore District.

G. R. S. App. F VI—G. 2]

SUBJECT.....

.....

.....

Diary No. of letter replied to..... .. ....

General and Revenue Secretariat.

( )

the *194* .

Date of issue 26.6.44 194 .

Signed by M. Krishnappa

** Deva No.216 and
Deva No.217 of Doddakabbali
Kankanahalli
Taluk.

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ?

(iv) published in the Gazette, Kannada Part ?

Section. Prisons

File No. 57-43

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

G.O. No.P.763-6/Pris. 17-40-2

dated 1st August 1940, directing the release of the marginally noted two** convicts of the Central Jail, Bangalore subject to the condition that they should pass a period of probation equal to the unexpired portion of their sentence under the District Magistrate or such other officer appointed by him in that behalf.

2. Correspondence ending with letter No.J.C.839/43-44 dated 12th June 1944 from the District Magistrate, Bangalore District, recommending in the circumstances stated, the cancellation of the order directing the conditional release of the two convicts referred to in the Government Order read above.

ORDER NO.P. 7982-86/Pris 57-43-4

BANGALORE: THE 26th JUNE 1944.

The District Magistrate, Bangalore

District reports that the two convicts referred to in the Government Order read above have, after their return to their village, Doddalahalli, Kan-Kanhalli Taluk, on release from the Jail, taken to unlawful activities by creating trouble and fear in the minds of the people and that they have thus become lawless and a menace to the public safety, besides being involved as accused persons in two cases of theft.

He recommends that as their being at large is a source of danger to the public safety, their conditonal release may be cancelled and that they may be sent back to the Jail.

Government are pleased to accept the recommendation of the District Magistrate, Bangalore District and direct under the powers vested in them by section 401(3) Criminal Procedure Code, that the remission granted to the two convicts referred to in the Government Order read above, namely (1) Deva No.216 and (2) Deva No.217, be cancelled and they be re-arrested and remanded to the Jail forthwith for undergoing the unexpired portion of their sentence.

List of Enclosures

Copied by

Examined by

23/2/44

Secretary to Government,
LAW DEPARTMENT.

To

The D.M. Bangalore District with the records
The I.G. of Police in Mysore,
The I.G. of Prisons in Mysore,
The Registrar, High Court of Mysore with a C. L.
The Secretary, Standing Advisory Board, and
The Superintendent, Central Jail, Bangalore.

WD 04162—GPB—60,000—23-10-41

23/2/44 23/2